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Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated March 29, 2006.

Claims 2, 5-10, 13, 17-19, 22-33, 36, 37, 39, 46 and 47 are pending in the application. Claims 2, 5, 10, 13, 17, 19, 22-26, 28, 37 and 39 have been amended as set forth above and new claims 46 and 47 have been added. Claims 3, 4, 12, 21 and 38 have been canceled herein without prejudice and without acquiescing in the rejection of these claims in any manner. The amendments and new claims are fully supported in the specification and drawings as originally filed. No new matter has been added. Applicant submits that new claims 46 and 47 are drawn to the non-elected species, but are dependent on allowable generic claims and thus should be considered and allowed.

TELEPHONE INTERVIEW CONDUCTED JUNE 14, 2006

The undersigned would like to personally thank Examiner Self for the courtesies extended during the telephone interview conducted on June 14, 2006. During the telephone interview, the undersigned was given the opportunity to discuss the differences between the claimed invention of independent claims 26 and 28 and the prior art, particularly the Bowling patent. The undersigned also discussed the amendment to independent claim 26 to correct an error in the claim language as originally filed. The Examiner indicated that the proposed amendments to independent claim 28 as discussed during the interview may overcome the current rejections of this claim, and further requested that the Applicant submit arguments to clarify the distinction between the claimed invention and the Bowling apparatus.

SPECIFICATION OBJECTION

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The previous amendment was objected to for allegedly introducing new matter into the disclosure because independent claim 26 included the limitation that the depth guides being positioned on said face of said grinding teeth at different locations than said grinding teeth. Applicant has amended independent claim 26 to obviate this objection. Reconsideration and withdrawal of the objection is respectfully requested.

CLAIM REJECTIONS

Claims 26, 27 and 31-33 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended independent claim 26 to obviate this rejection. Reconsideration and withdrawal of the rejection under §112 is respectfully requested.

Claims 5-9, 13, 17-19 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Paumier, U.S. Patent No. 6,435,234, and claims 5-7 and 37 were rejected under 35 U.S.C. §102(b) as being anticipated by Maroney, U.S. Patent No. 5,829,497. Claims 2-4, 10, 12 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paumier, in view of Maroney. Claims 17, 21, 22, 24, 28, 30, 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paumier, either alone or in view of Bowling, U.S. Patent No. 6,021,825. Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Paumier, either alone or in view of Bowling, and further in view of Ver Ploeg, U.S. Patent No. 3,797,544.

Applicant respectfully traverses the rejections under 35 U.S.C. §102(b) and §103(a) for the reasons set forth below.

Applicant has amended claims 2 and 5 to be dependent on independent claim 26.
Applicant has amended claim 13 to depend from independent claim 37.

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Applicant has amended independent claim 26 to clarify that the grinding disc is rotatably driven and is movable in a direction generally along the disc axis and toward and into engagement with a stump to grind at least a portion of the stump as the disc is moved axially at least partially through the stump. The depth guides are positioned on the face of the grinding disc at different locations than the grinding teeth.

Applicant has amended independent claim 28 to clarify that the grinding disc has a plurality of grinding teeth extending outward from a face of the disc. The grinding disc is rotatably driven and is movable in a direction generally along the disc axis and toward and into engagement with a stump to grind at least a portion of the stump as the disc is moved axially at least partially through the stump. The depth guides protrude outward from the face of the grinding disc to limit the depth of cut of the grinding teeth as the grinding disc is rotated and engaged with a stump. The depth guides are adjustably mounted to the grinding disc and are adjustable to adjust a degree of protrusion from the face to adjust a depth of cut of the grinding teeth.

Applicant has amended independent claim 37 to clarify that the grinding disc has a plurality of grinding teeth and a plurality of depth guides on a face of the grinding disc. The disc mount is pivotable about the generally horizontal axis to arcuately move the grinding disc in a direction generally along the disc axis as the grinding disc is rotatably driven via the drive device to move the grinding disc axially toward and into engagement with a stump to at least partially grind the stump. The depth guides comprise blocks that protrude from the face of the grinding disc to limit a depth of cutting of the grinding teeth as the grinding disc is rotated and moved axially into engagement with and at least partially through the stump.

Applicant submits that Paumier or Maroney, either alone or in combination with Bowling or any other prior art of record, does not disclose or suggest the stump grinding machine of the present invention, particularly as set forth in independent claims 26, 28 and 37 and in the

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claims depending therefrom. Paumier discloses a disc cutter with a plurality of teeth (48) at the front of the disc for cutting the stump. The disc of Paumier does not include any depth guides on the face of the disc, nor does the Paumier disc include any depth guides adjustably mounted to the face of the disc, nor does the Paumier disc include any depth guides positioned on the face of the grinding disc at different locations than the cutting teeth.

Bowling discloses a cutting wheel (60) with a plurality of cutting teeth (62) connected thereto. The Bowling cutting wheel is moved radially toward and into engagement with a stump, such as by lowering the cutting wheel into engagement with the stump, such as in a direction generally transverse to its axis of rotation to cut downwardly into and through the stump. The cutting wheel may then make multiple such downward cuts to substantially cut the stump away. The Bowling cutting wheel is thus an edge cutting wheel and is in stark contrast to a face grinding disc or wheel like the grinding disc of the present invention, which moves axially toward and into engagement with a stump so that the teeth on the face of the grinding disc engage and grind the stump as the disc is moved axially at least partially through the stump.

Moreover, there is no disclosure or suggestion in Bowling of providing any form of depth guides on the face of the cutting wheel. The Office Action refers to reference number 62 as referring to depth guides, but reference number 62 of Bowling refers to "a plurality of cutting teeth 62". See Bowling, column 4, lines 5-7. There is no disclosure or suggestion in Bowling that the cutting teeth 62 also function as a depth guide. Moreover, Bowling teaches away from providing depth guides on the face of a grinding disc, since the cutting wheel of Bowling cuts into a stump via the teeth at the edge of the disc as the edge of the rotating disc engages the stump. The teeth at the face of the cutting wheel function to cut a wider path through the stump as the cutting wheel is moved radially through the stump.

This is in stark contrast to the stump grinding machine of the present invention, which moves the disc axially (generally along the disc axis) toward the stump to move the face of

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the grinding disc (with teeth and depth guides on the face of the grinding disc) into engagement with the stump to substantially grind the stump as the disc is rotated. In the past, conventional face grinding discs have been typically difficult to control and stabilize due to the blades or teeth of the grinding disc engaging and over cutting a substantial depth into the stump as the disc is rotated. Such over cutting causes difficulties in controlling the cutting disc and in stabilizing the cutting device, such that additional stabilizers or support feet or arms or outriggers have been required to stabilize the outer end of the cutting or grinding device away from the tractor.

During the grinding of a stump with the grinding disc of the present invention, the depth guides function to limit over-cutting or over-biting of the grinding teeth by limiting how far the grinding teeth can bite into the stump during each rotation of the disc. The teeth thus may cut into the stump a limited amount, such as an amount about equal to the amount of protrusion of the teeth past the protrusion of the depth guides, whereby further axial movement of the disc toward or through the stump and further biting by the teeth is limited by the depth guides. In contrast, the Bowling apparatus includes no such depth guides and merely cuts the stump with the entirety of each tooth of the cutting wheel.

Accordingly, Applicant respectfully submits that neither Paumier nor Bowling teaches or suggests or renders obvious a stump grinding machine with a grinding disc that has, for example, depth guides that protrude from the face of the grinding disc to limit a depth of cutting of the grinding teeth as the grinding disc is rotated and moved axially into engagement with and at least partially through the stump. Nor do Paumier and/or Bowling disclose or teach or suggest a plurality of grinding teeth on a face of the grinding disc and a plurality of depth guides positioned at different locations from the grinding teeth on the face of the grinding disc. Nor do Paumier and/or Bowling disclose or teach or suggest a grinding disc that has, for example, depth guides that are adjustably mounted to the grinding disc and are adjustable to adjust a degree of protrusion from the face to adjust a depth of cut of the grinding teeth.

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Reconsideration and withdrawal of the rejection of independent claims 26, 28 and 37 and the claims depending therefrom is respectfully requested.

With respect to the rejection of dependent claims, Applicant respectfully submits that Paumier, either alone or in combination with any other cited prior art reference, does not disclose or teach or suggest the claimed invention for at least all of the reasons set forth above. For example, Paumier does not disclose, teach or suggest a stump grinding machine with a biasing spring that biases the disc mount toward an initial orientation and with the disc mount pivoting about a generally horizontal axis away from the initial orientation in response to the grinding disc being moved into engagement with a stump, whereby the biasing spring urges the grinding disc into and at least partially through the stump while the grinding disc is rotated to grind the stump. To the contrary, Paumier discloses a stump grinder that has hydraulic cylinders that are extended and retracted to move the grinder relative to the ground and stump. There is no disclosure of any biasing spring, nor of biasing the disc mount toward an initial orientation.

Claims 2, 5-10, 13, 17-19, 22-33, 36, 37, 39, 46 and 47 are pending in the application. Applicant respectfully submits that all of the pending claims are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

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Respectfully submitted,

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